

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: EAST PALESTINE TRAIN DERAILMENT

Case No. 4:23-CV-00242-BYP

JUDGE BENITA Y. PEARSON

**DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' MASTER CONSOLIDATED
CLASS ACTION COMPLAINT UNDER FEDERAL RULE OF CIVIL PROCEDURE
12(b)(6) AND TO STRIKE UNDER FEDERAL RULE OF CIVIL PROCEDURE 12(f)**

Under Federal Rules of Civil Procedure 12(b)(6) and 12(f), Defendants Norfolk Southern Railway Company and Norfolk Southern Corporation move to dismiss Plaintiffs' Master Consolidated Class Action Complaint (Dkt. 31) for failure to state a claim upon which relief can be granted and to strike Plaintiffs' request for punitive damages. The grounds for this Motion are set forth in the accompanying Memorandum in Support.

Dated: June 2, 2023

Respectfully submitted.

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CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2023, I caused a copy of the foregoing to be filed with the Clerk of the Court using the Court's CM/ECF electronic filing system, which will provide electronic notice to all counsel of record.

/s/ Alan Schoenfeld

ALAN SCHOENFELD